

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Brittany Hamilton, et al.,

Plaintiffs,

v.

Case No. 2:09-cv-146

Breg, Inc., et al.,

Defendants.

ORDER

This matter is before the court on motions filed by defendant Breg Incorporated (hereinafter "Breg"). On December 23, 2009, Breg filed a motion to stay proceedings pending decision by the Judicial Panel for Multidistrict Litigation. The Panel's decision denying the motion for centralization was filed on April 23, 2010. Therefore, this motion (Doc. No. 47) and Breg's motion for oral argument (Doc. No. 51) are denied as moot.

Breg has filed a motion pursuant to Fed.R.Civ.P. 21 to sever the claims of plaintiffs Hamilton and McLain. The court notes that discovery is not yet complete in this case, and additional information may come to light which may assist the court in determining whether the claims of these plaintiffs should be severed for purposes of trial. The claims have been joined in a single action for over a year, and the interests of judicial economy weigh in favor of permitting this case to proceed through discovery and other pretrial proceedings as a single action. At the conclusion of pretrial proceedings, both the parties and this court will be in a better position to address any questions of prejudice which may be posed by a joint trial. Accordingly, Breg's motion for severance (Doc. No. 38) is denied without prejudice to

being renewed at a later date.

It is so ordered.

Date: April 26, 2010

s/James L. Graham  
James L. Graham  
United States District Judge